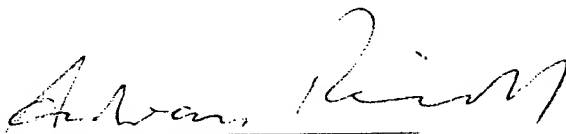


polypeptide is then produced. The mRNA encoding the polypeptide is then isolated and the corresponding cDNA is synthesized. Finally, the cDNA is used to transform the plant. The fungicide or herbicide of particular interest in the application is methyl methoxyimino- α , (o-tolyloxy)-o-tolylacetate (BAS 490F). At the time of the invention, a person having ordinary skill in the would have been able to carry out these steps. Furthermore, no genetic or physiological information about the fungicidal/herbicidal action is necessary to produce a fungicide or herbicide-resistant/-tolerant plant according to the invention. In other words, the invention itself includes process steps for isolating a nucleotide sequence and these steps would have been understood by the skilled worker in the field. Consequently, the disclosure of the nucleotide sequence is not necessary to make use of the invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements *made on* Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



/ Andreas Reindl

Date: 29/01/02
day/month/year